

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

MICHAEL C. ANTONELLI

§

VS.

§

CIVIL ACTION NO. 1:03cv1121

R. D. MILES

§

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Michael C. Antonelli, an inmate formerly at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. A report was entered by the magistrate judge recommending the respondent's motion to deny the petition be granted and the above-styled petition should be denied and dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes petitioner's objections are without merit.

Petitioner objects, asserting that he may be entitled to mandamus, injunctive or declaratory

relief, or relief under the Administrative Procedures Act ("APA"). However, as the magistrate judge determined, the Bureau of Prisons determines the place of confinement. Further, prisoner's do not have a constitutional right to be housed in any particular facility or in any particular state. *See Olim v. Wakinekona*, 461 U.S. 238, 244-45, 250-51 (1983); *Tighe v. Wall*, 100 F.3d 41, 42 (5th Cir. 1996). Therefore, petitioner's objections are without merit.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **13** day of **March, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge